

Juliette P. White, USB #9616
Robert H. Hughes, USB #9787
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: 801.532.1234
Facsimile: 801.536.6111
ecf@parsonsbehle.com
jwhite@parsonsbehle.com

Attorneys for Plaintiff UTOPIA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

UTAH TELECOMMUNICATION OPEN
INFRASTRUCTURE AGENCY,

Plaintiff,

vs.

CITY OF AMERICAN FORK, DAVID
BUNKER in his official capacity as American
Fork City Administrator, and BRAD FROST
in his official capacity as American Fork City
Mayor

Defendant.

**MOTION FOR LEAVE TO FILE
OVERLENGTH OPPOSITION TO
MOTION TO DISMISS COMPLAINT**

Case No. 2:21-cv-00600

Judge David Barlow

Magistrate Judge Daphne A. Oberg

Plaintiff Utah Telecommunication Open Infrastructure Agency (“UTOPIA”), by and through its counsel of record, hereby submits this Motion for Leave to File Over-Length Opposition to Defendants’ Motion to Dismiss Complaint. Pursuant to Fed. R. Civ. P. 7 and DUCivR 7-1, Plaintiff respectfully requests that the Court enter an order granting them leave to file an over-length Opposition.

Defendants' Motion to Dismiss Complaint [ECF No. 14] raises multiple challenges under Rule 12(b) to the causes of action set forth in UTOPIA's Complaint. Several of Defendants' arguments implicate complicated areas of law and novel issues for which, in some instances, there is little legal authority directly on point. UTOPIA requires additional pages to address these issues fully, and to ensure that it has adequately explained why each cause of action has been pled with sufficient factual support and/or that the causes of action should not be dismissed as a matter of law. UTOPIA requests up to nine (9) additional pages in its opposition brief. These additional pages are necessary to address the various legal issues raised by Defendants in their Motion to Dismiss Complaint, and to establish why Plaintiff UTOPIA believes that Defendants' have not met their burden. For the foregoing reasons, UTOPIA contends that good cause and exceptional circumstances exist for affording UTOPIA additional pages in its opposition brief. Plaintiff therefore requests up to thirty-four (34) pages (exclusive of cover page, table of contents, table of authorities, and signature block) to respond in full to Defendants' Motion to Dismiss Complaint.

WHEREFORE, Plaintiff UTOPIA respectfully requests leave to file an over-length Opposition to Defendants' Motion to Dismiss, not to exceed thirty-four (34) pages.

DATED: February 28, 2022.

/s/ Juliette P. White

Juliette P. White
PARSONS BEHLE & LATIMER

Attorneys for Plaintiff UTOPIA

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2022, a true and correct copy of the foregoing
MOTION FOR LEAVE TO FILE AN OVER-LENGTH OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS was served via Court ECF Filing to the following:

David L. Mortensen
dmortensen@foley.com
Foley & Lardner LLP
299 South Main Street, Suite 2000
Salt Lake City, UT 84111

Attorneys for Defendants City of American Fork, David Bunker, and Brad Frost

/s/ Juliette P. White

Juliette P. White
PARSONS BEHLE & LATIMER

Attorneys for Plaintiff UTOPIA